

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

WORCESTER, ss.

In re:

WESTBOROUGH SPE LLC,

Debtor.

)
) Chapter 7

) Case No. 23-40709-CJP
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)
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)
)

OPPOSITION TO JOINT MOTION FOR CONTINUANCE OF HEARING ON
MOTION FOR RELIEF FROM AUTOMATIC STAY AND OPPOSITION TO
APPOINTMENT OF A BANKRUPTCY TRUSTEE

NOW COMES Lolonyon Akouete, a creditor in the above-captioned case, and hereby respectfully opposes the Joint Motion for Continuance of Hearing filed by the Town of Westborough (“Town”) and the Chapter 7 Trustee (the “Trustee”), and in support thereof, respectfully states as follows:

1. The undersigned creditor has been a continuous participant in the ongoing bankruptcy proceedings of Westborough SPE, LLC. The current motion for a further continuance of the hearing on the Town’s Motion for Relief from Automatic Stay, scheduled for December 21, 2023, represents yet another delay in a case that has already been prolonged for over a year.
2. Under Section 704(a)(1) of the Bankruptcy Code, a trustee is mandated to close an estate as expeditiously as is compatible with the best interests of the estate. The continual delays in this case not only diminish the return to creditors but also undermine the creditors’ and public’s confidence in the bankruptcy system. These delays increase the costs of administration, expose the trustee to potential liability, and in cases involving tax liabilities, can lead to increased penalties and interest against the debtor.
3. The ongoing extensions requested by the Town and the Trustee contradict the very essence of Section 704(a)(1). While the need for careful deliberation is understood, it is imperative to balance this with the statutory obligation to expedite case closure.
4. The Town’s Motion for Relief, originally filed on October 3, 2023, sought to expedite the resolution of the tax title foreclosure action concerning the property at 231 Turnpike Road. This objective aligns with the interests of all parties, including the debtor and creditors. However, the repeated requests for extensions, including the current joint request for a 45-day continuance, contradict this goal. The request risk further depreciation of the property’s value, adding financial strain on the bankruptcy estate and diminishing potential recoveries for creditors.
5. The need for additional time for the Select Board to consider a settlement proposal, while valid, must be weighed against the broader context of the case and the negative implications of ongoing delays. The bankruptcy process is subject to public scrutiny and criticism, and unnecessary prolongations, such as the one currently sought, only exacerbate this issue.
6. In consideration of these factors, the undersigned creditor respectfully requests that the Court deny the Parties’ Motion for Continuance and proceed with the scheduled hearing on December 21,

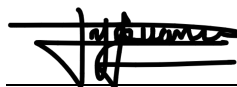
2023. An expedited resolution is crucial for the bankruptcy estate, the creditors, and for maintaining public confidence in the bankruptcy process.

WHEREFORE, the undersigned creditor respectfully requests that the Court deny the Joint Motion for Continuance and proceed with the hearing as scheduled.

DATED: December 17, 2023

Respectfully submitted:

By creditor,



Lolonyon Akouete
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CERTIFICATE OF SERVICE

I, Lolonyon Akouete, manager a creditor, hereby certify that the above document is served by email and mailing a copy of the same, first-class mail, to the following:

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(Email: sgordon@gordonfirm.com)
The Gordon Law Firm LLP
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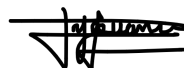
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